

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1074 of 2020**

- Rahul S/o Shiv Kumar Aged About 19 Years R/o Salwahi, Out Post Dindo, Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Out Post Dindo, Police Station Trikunda District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/11/2020**

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No.14/2020 registered at Police Station- Trikunda, District- Balrampur- Ramanujganj (CG) for the offence punishable under Sections 147, 148, 149, 186, 294, 323, 332, 342, 353, 427, 506 of I.P.C.
3. Prosecution case is that when the Police Officer along with Drug Inspector went to the house of Rahul, the accused, to arrest him, it is alleged that brother of Rahul and 20-25 other persons assaulted the Police Officer and the Drug Inspector, injured them and destroyed important paper, documents and vehicle was also damaged.
4. Learned counsel for the applicant would argue that the entire FIR or anywhere in the case diary statements, nobody has stated about presence of the applicant, at the spot. He would further submit that the FIR lodged by the Police Officer is only against the brother of Rahul and other persons, without there being any mention of Rahul at the spot, therefore, merely because the Police was searching Rahul for his arrest and in that effort some persons assaulted the Police Officer and the Drug Inspector, it cannot be presumed

that it was done either by Rahul or by other persons, there is no allegation against Rahul that he was present at the spot or even in the house where Police has gone for search of Rahul for arrest.

5. Per contra, learned counsel appearing for the State opposed the bail application. He submits the circumstances of the case, as stated by FIR informant, the incident occurred when the Police Officer and Drug Inspector had gone to arrest Rahul, therefore, absence of Rahul at the spot is immaterial in the alleged incident of assault.
6. Having considered the submissions of learned counsel for the parties, taking into consideration the nature of allegation, the contents of the case diary and FIR has prima-facie shown that there is nothing on record to establish the charge against Rahul that he was involved in the incident of assault of Police Officer and Drug Inspector, at the time of search of Rahul for his arrest in connection with the case. Further, there is considerable force in the submission that assault was made by brother of Rahul and another people who gathered at the spot but Rahul was not present there. Therefore, considering the aforesaid submissions, present is fit case for grant of anticipatory bail.
7. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:-
 - (i) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
8. It is made clear that grant of anticipatory bail in this case shall not come in the way of arrest of Rahul if he is connected with any other case, including the case in connection with search of Rahul for arrest.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge